

# ***In the House of Representatives, U. S.,***

*December 11, 2001.*

*Resolved*, That the House agree to the amendments of the Senate to the bill (H.R. 1291) entitled “An Act to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill”, with the following

## **HOUSE AMENDMENT TO SENATE AMENDMENTS:**

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*  
3 *erans Education and Benefits Expansion Act of 2001”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
5 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. References to title 38, United States Code.*

### *TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS*

*Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.*

*Sec. 102. Increase in rates of survivors’ and dependents’ educational assistance.*

*Sec. 103. Restoration of certain education benefits of individuals being ordered to active duty.*

*Sec. 104. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.*

*Sec. 105. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.*

- Sec. 106. Increase in maximum allowable annual Senior ROTC educational assistance for eligibility for benefits under the Montgomery GI Bill.*
- Sec. 107. Expansion of work-study opportunities.*
- Sec. 108. Eligibility for survivors' and dependents' educational assistance of spouses and surviving spouses of veterans with total service-connected disabilities.*
- Sec. 109. Expansion of special restorative training benefit to certain disabled spouses or surviving spouses.*
- Sec. 110. Inclusion of certain private technology entities in definition of educational institution.*
- Sec. 111. Distance education.*

#### TITLE II—COMPENSATION AND PENSION PROVISIONS

- Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam veterans.*
- Sec. 202. Payment of compensation for Persian Gulf War veterans with certain chronic disabilities.*
- Sec. 203. Preservation of service connection for undiagnosed illnesses to provide for participation in research projects by Persian Gulf War veterans.*
- Sec. 204. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.*
- Sec. 205. Extension of round-down requirement for compensation cost-of-living adjustments.*
- Sec. 206. Expansion of presumptions of permanent and total disability for veterans applying for nonservice-connected pension.*
- Sec. 207. Eligibility of veterans 65 years of age or older for veterans' pension benefits.*

#### TITLE III—TRANSITION AND OUTREACH PROVISIONS

- Sec. 301. Authority to establish overseas veterans assistance offices to expand transition assistance.*
- Sec. 302. Timing of preseparation counseling.*
- Sec. 303. Improvement in education and training outreach services for separating servicemembers and veterans.*
- Sec. 304. Improvement of veterans outreach programs.*

#### TITLE IV—HOUSING MATTERS

- Sec. 401. Increase in home loan guaranty amount for construction and purchase of homes.*
- Sec. 402. Native American veteran housing loan pilot program.*
- Sec. 403. Modification of loan assumption notice requirement.*
- Sec. 404. Increase in assistance amount for specially adapted housing.*
- Sec. 405. Extension of other housing authorities.*
- Sec. 406. Clarifying amendment relating to eligibility of members of the Selected Reserve for housing loans.*

#### TITLE V—OTHER MATTERS

- Sec. 501. Increase in burial benefits.*
- Sec. 502. Government markers for marked graves at private cemeteries.*
- Sec. 503. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.*

- Sec. 504. *Extension of limitation on pension for certain recipients of medicaid-covered nursing home care.*
- Sec. 505. *Prohibition on provision of certain benefits with respect to persons who are fugitive felons.*
- Sec. 506. *Limitation on payment of compensation for veterans remaining incarcerated since October 7, 1980.*
- Sec. 507. *Elimination of requirement for providing a copy of notice of appeal to the Secretary of Veterans Affairs.*
- Sec. 508. *Increase in fiscal year limitation on number of veterans in programs of independent living services and assistance.*
- Sec. 509. *Technical and clerical amendments.*

**TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS  
CLAIMS**

- Sec. 601. *Facilitation of staggered terms of judges through temporary expansion of the Court.*
- Sec. 602. *Repeal of requirement for written notice regarding acceptance of re-appointment as condition to retirement from the Court.*
- Sec. 603. *Termination of notice of disagreement as jurisdictional requirement for the Court.*
- Sec. 604. *Registration fees.*
- Sec. 605. *Administrative authorities.*

**1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2       *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of title 38, United States Code.*

7                   **TITLE I—EDUCATIONAL**  
 8                   **ASSISTANCE PROVISIONS**

9 **SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL AS-**  
 10 **SISTANCE UNDER MONTGOMERY GI BILL.**

11       *(a) IN GENERAL.—(1) Paragraph (1) of section*  
 12 *3015(a) is amended to read as follows:*

13                   *“(1) for an approved program of education pur-*  
 14 *sued on a full-time basis, at the monthly rate of—*

1           “(A) for months beginning on or after Jan-  
2           uary 1, 2002, \$800;

3           “(B) for months occurring during fiscal  
4           year 2003, \$900;

5           “(C) for months occurring during fiscal  
6           year 2004, \$985; and

7           “(D) for months occurring during a subse-  
8           quent fiscal year, the amount for months occur-  
9           ring during the previous fiscal year increased  
10          under subsection (h); or”.

11          (2) Paragraph (1) of section 3015(b) is amended to  
12          read as follows:

13                 “(1) for an approved program of education pur-  
14                 sued on a full-time basis, at the monthly rate of—

15                         “(A) for months beginning on or after Jan-  
16                         uary 1, 2002, \$650;

17                         “(B) for months occurring during fiscal  
18                         year 2003, \$732;

19                         “(C) for months occurring during fiscal  
20                         year 2004, \$800; and

21                         “(D) for months occurring during a subse-  
22                         quent fiscal year, the amount for months occur-  
23                         ring during the previous fiscal year increased  
24                         under subsection (h); or”.

1       (b) *CPI ADJUSTMENT.*—No adjustment in rates of  
2 educational assistance shall be made under section 3015(h)  
3 of title 38, United States Code, for fiscal years 2003 and  
4 2004.

5 **SEC. 102. INCREASE IN RATES OF SURVIVORS' AND DE-**  
6 **PENDENTS' EDUCATIONAL ASSISTANCE.**

7       (a) *SURVIVORS' AND DEPENDENTS' EDUCATIONAL AS-*  
8 *SISTANCE.*—Section 3532 is amended—

9           (1) in subsection (a)(1)—

10               (A) by striking “\$588” and inserting  
11 “\$670”;

12               (B) by striking “\$441” and inserting  
13 “\$503”; and

14               (C) by striking “\$294” and inserting  
15 “\$335”;

16           (2) in subsection (a)(2), by striking “\$588” and  
17 inserting “\$670”;

18           (3) in subsection (b), by striking “\$588” and in-  
19 serting “\$670”; and

20           (4) in subsection (c)(2)—

21               (A) by striking “\$475” and inserting  
22 “\$541”;

23               (B) by striking “\$356” and inserting  
24 “\$406”; and

1                   (C) by striking “\$238” and inserting  
2                   “\$271”.

3           (b) *CORRESPONDENCE COURSES*.—Section 3534(b) is  
4 amended by striking “\$588” and inserting “\$670”.

5           (c) *SPECIAL RESTORATIVE TRAINING*.—Section  
6 3542(a) is amended—

7                   (1) by striking “\$588” and inserting “\$670”;  
8                   and

9                   (2) by striking “\$184” each place it appears and  
10                   inserting “\$210”.

11           (d) *APPRENTICESHIP TRAINING*.—Section 3687(b)(2)  
12 is amended—

13                   (1) by striking “\$428” and inserting “\$488”;

14                   (2) by striking “\$320” and inserting “\$365”;

15                   (3) by striking “\$212” and inserting “\$242”;

16                   and

17                   (4) by striking “\$107” and inserting “\$122”.

18           (e) *EFFECTIVE DATE*.—The amendments made by this  
19 section shall take effect as of January 1, 2002, and shall  
20 apply with respect to educational assistance allowances  
21 payable under chapter 35 and section 3687(b)(2) of title  
22 38, United States Code, for months beginning on or after  
23 that date.

1 **SEC. 103. RESTORATION OF CERTAIN EDUCATION BENE-**  
2 **FITS OF INDIVIDUALS BEING ORDERED TO**  
3 **ACTIVE DUTY.**

4 (a) *IN GENERAL.*—Sections 3013(f)(2)(A),  
5 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) are each amended  
6 by striking “, in connection with the Persian Gulf War,  
7 to serve on active duty under section 672 (a), (d), or (g),  
8 673, 673b, or 688 of title 10;” and inserting “to serve on  
9 active duty under section 688, 12301(a), 12301(d),  
10 12301(g), 12302, or 12304 of title 10;”.

11 (b) *INCREASE IN CHAPTER 35 DELIMITING PERIOD.*—  
12 Section 3512 is amended by adding at the end the following  
13 new subsection:

14 “(h) Notwithstanding any other provision of this sec-  
15 tion, if an eligible person, during the delimiting period oth-  
16 erwise applicable to such person under this section, serves  
17 on active duty pursuant to an order to active duty issued  
18 under section 688, 12301(a), 12301(d), 12301(g), 12302, or  
19 12304 of title 10, such person shall be granted an extension  
20 of such delimiting period for the length of time equal to  
21 the period of such active duty plus four months.”.

22 (c) *APPLICATION TO CHAPTER 31.*—(1) Section 3105  
23 is amended by adding at the end the following new sub-  
24 section:

25 “(e)(1) Notwithstanding any other provision of this  
26 chapter or chapter 36 of this title, any payment of a subsist-

1 *ence allowance and other assistance described in paragraph*  
2 *(2) shall not—*

3 *“(A) be charged against any entitlement of any*  
4 *veteran under this chapter; or*

5 *“(B) be counted toward the aggregate period for*  
6 *which section 3695 of this title limits an individual’s*  
7 *receipt of allowance or assistance.*

8 *“(2) The payment of the subsistence allowance and*  
9 *other assistance referred to in paragraph (1) is the payment*  
10 *of such an allowance or assistance for the period described*  
11 *in paragraph (3) to a veteran for participation in a voca-*  
12 *tional rehabilitation program under this chapter if the Sec-*  
13 *retary finds that the veteran had to suspend or discontinue*  
14 *participation in such vocational rehabilitation program as*  
15 *a result of being ordered to serve on active duty under sec-*  
16 *tion 688, 12301(a), 12301(d), 12301(g), 12302, or 12304*  
17 *of title 10.*

18 *“(3) The period for which, by reason of this subsection,*  
19 *a subsistence allowance and other assistance is not charged*  
20 *against entitlement or counted toward the applicable aggre-*  
21 *gate period under section 3695 of this title shall be the pe-*  
22 *riod of participation in the vocational rehabilitation pro-*  
23 *gram for which the veteran failed to receive credit or with*  
24 *respect to which the veteran lost training time, as deter-*  
25 *mined by the Secretary.”.*

1       (2) *Section 3103 is amended by adding at the end the*  
2 *following new subsection:*

3       “(e) *In any case in which the Secretary has deter-*  
4 *mined that a veteran was prevented from participating in*  
5 *a vocational rehabilitation program under this chapter*  
6 *within the period of eligibility otherwise prescribed in this*  
7 *section as a result of being ordered to serve on active duty*  
8 *under section 688, 12301(a), 12301(d), 12301(g), 12302, or*  
9 *12304 of title 10, such period of eligibility shall not run*  
10 *for the period of such active duty service plus four months.*

11       (d)       *CONFORMING        AMENDMENTS.—Sections*  
12 *3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each*  
13 *amended by striking “, in connection with such War,”.*

14       (e) *EFFECTIVE DATE.—The amendments made by this*  
15 *section shall take effect as of September 11, 2001.*

16 **SEC. 104. ACCELERATED PAYMENTS OF EDUCATIONAL AS-**  
17 **SISTANCE UNDER MONTGOMERY GI BILL FOR**  
18 **EDUCATION LEADING TO EMPLOYMENT IN**  
19 **HIGH TECHNOLOGY INDUSTRY.**

20       (a) *IN GENERAL.—(1) Chapter 30 is amended by in-*  
21 *serting after section 3014 the following new section:*

1 **“§3014A. Accelerated payment of basic educational**  
2 **assistance for education leading to em-**  
3 **ployment in high technology industry**

4 “(a) *An individual described in subsection (b) who is*  
5 *entitled to basic educational assistance under this sub-*  
6 *chapter may elect to receive an accelerated payment of the*  
7 *basic educational assistance allowance otherwise payable to*  
8 *the individual under section 3015 of this title.*

9 “(b) *An individual described in this subsection is an*  
10 *individual who is—*

11 “(1) *enrolled in an approved program of edu-*  
12 *cation that leads to employment in a high technology*  
13 *industry (as determined pursuant to regulations pre-*  
14 *scribed by the Secretary); and*

15 “(2) *charged tuition and fees for the program of*  
16 *education that, when divided by the number of*  
17 *months (and fractions thereof) in the enrollment pe-*  
18 *riod, exceeds the amount equal to 200 percent of the*  
19 *monthly rate of basic educational assistance allow-*  
20 *ance otherwise payable to the individual under sec-*  
21 *tion 3015 of this title.*

22 “(c)(1) *The amount of the accelerated payment of basic*  
23 *educational assistance made to an individual making an*  
24 *election under subsection (a) for a program of education*  
25 *shall be the lesser of—*

1           “(A) *the amount equal to 60 percent of the estab-*  
2           *lished charges for the program of education; or*

3           “(B) *the aggregate amount of basic educational*  
4           *assistance to which the individual remains entitled*  
5           *under this chapter at the time of the payment.*

6           “(2) *In this subsection, the term ‘established charges’,*  
7           *in the case of a program of education, means the actual*  
8           *charges (as determined pursuant to regulations prescribed*  
9           *by the Secretary) for tuition and fees which similarly*  
10           *circumstanced nonveterans enrolled in the program of edu-*  
11           *cation would be required to pay. Established charges shall*  
12           *be determined on the following basis:*

13           “(A) *In the case of an individual enrolled in a*  
14           *program of education offered on a term, quarter, or*  
15           *semester basis, the tuition and fees charged the indi-*  
16           *vidual for the term, quarter, or semester.*

17           “(B) *In the case of an individual enrolled in a*  
18           *program of education not offered on a term, quarter,*  
19           *or semester basis, the tuition and fees charged the in-*  
20           *dividual for the entire program of education.*

21           “(3) *The educational institution providing the pro-*  
22           *gram of education for which an accelerated payment of*  
23           *basic educational assistance allowance is elected by an indi-*  
24           *vidual under subsection (a) shall certify to the Secretary*

1 *the amount of the established charges for the program of*  
2 *education.*

3       “(d) *An accelerated payment of basic educational as-*  
4 *sistance made to an individual under this section for a pro-*  
5 *gram of education shall be made not later than the last day*  
6 *of the month immediately following the month in which the*  
7 *Secretary receives a certification from the educational insti-*  
8 *tution regarding—*

9               “(1) *the individual’s enrollment in and pursuit*  
10 *of the program of education; and*

11               “(2) *the amount of the established charges for the*  
12 *program of education.*

13       “(e)(1) *Except as provided in paragraph (2), for each*  
14 *accelerated payment of basic educational assistance made*  
15 *to an individual under this section, the individual’s entitle-*  
16 *ment to basic educational assistance under this chapter*  
17 *shall be charged the number of months (and any fraction*  
18 *thereof) determined by dividing the amount of the acceler-*  
19 *ated payment by the full-time monthly rate of basic edu-*  
20 *cational assistance allowance otherwise payable to the indi-*  
21 *vidual under section 3015 of this title as of the beginning*  
22 *date of the enrollment period for the program of education*  
23 *for which the accelerated payment is made.*

24       “(2) *If the monthly rate of basic educational assistance*  
25 *allowance otherwise payable to an individual under section*

1 3015 of this title increases during the enrollment period of  
 2 a program of education for which an accelerated payment  
 3 of basic educational assistance is made under this section,  
 4 the charge to the individual's entitlement to basic edu-  
 5 cational assistance under this chapter shall be determined  
 6 by prorating the entitlement chargeable, in the matter pro-  
 7 vided for under paragraph (1), for the periods covered by  
 8 the initial rate and increased rate, respectively, in accord-  
 9 ance with regulations prescribed by the Secretary.

10       “(f) The Secretary may not make an accelerated pay-  
 11 ment under this section for a program of education to an  
 12 individual who has received an advance payment under sec-  
 13 tion 3680(d) of this title for the same enrollment period.

14       “(g) The Secretary shall prescribe regulations to carry  
 15 out this section. The regulations shall include requirements,  
 16 conditions, and methods for the request, issuance, delivery,  
 17 certification of receipt and use, and recovery of overpay-  
 18 ment of an accelerated payment under this section.”.

19       (2) The table of sections at the beginning of that chap-  
 20 ter is amended by inserting after the item relating to section  
 21 3014 the following new item:

“3014A. Accelerated payment of basic educational assistance for education leading  
 to employment in high technology industry.”.

22       (b) *RESTATEMENT AND ENHANCEMENT OF CERTAIN*  
 23 *ADMINISTRATIVE AUTHORITIES.*—Subsection (g) of section  
 24 3680 is amended to read as follows:



1       “(4) *In the case of an individual who has received an*  
2 *accelerated payment of basic educational assistance under*  
3 *section 3014A of this title during an enrollment period for*  
4 *a program of education, the Secretary may accept the indi-*  
5 *vidual’s certification of enrollment in and satisfactory pur-*  
6 *suit of the program of education as sufficient proof of the*  
7 *certified matters if the certification is submitted after the*  
8 *enrollment period has ended.”.*

9       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
10 *section shall take effect October 1, 2002, and shall apply*  
11 *with respect to enrollments in courses or programs of edu-*  
12 *cation or training beginning on or after that date.*

13 **SEC. 105. ELIGIBILITY FOR MONTGOMERY GI BILL BENE-**  
14 **FITS OF CERTAIN ADDITIONAL VIETNAM ERA**  
15 **VETERANS.**

16       (a) *ACTIVE DUTY PROGRAM.*—*Section 3011(a)(1) is*  
17 *amended—*

18               (1) *by striking “or” at the end of subparagraph*

19               (A);

20               (2) *by adding “or” at the end of subparagraph*

21               (B); and

22               (3) *by adding at the end the following new sub-*  
23 *paragraph:*

1           “(C) as of December 31, 1989, was eligible  
2           for educational assistance benefits under chapter  
3           34 of this title and—

4                   “(i) was not on active duty on October  
5                   19, 1984;

6                   “(ii) reenlists or reenters on a period  
7                   of active duty on or after October 19, 1984;  
8                   and

9                   “(iii) on or after July 1, 1985,  
10                  either—

11                           “(I) serves at least three years of  
12                           continuous active duty in the Armed  
13                           Forces; or

14                           “(II) is discharged or released  
15                           from active duty (aa) for a service-con-  
16                           nected disability, for a medical condi-  
17                           tion which preexisted such service on  
18                           active duty and which the Secretary  
19                           determines is not service connected, for  
20                           hardship, or for a physical or mental  
21                           condition that was not characterized as  
22                           a disability, as described in subpara-  
23                           graph (A)(ii)(I) of this paragraph, (bb)  
24                           for the convenience of the Government,  
25                           if the individual completed not less

1            *than 30 months of continuous active*  
2            *duty after that date, or (cc) involun-*  
3            *tarily for the convenience of the Gov-*  
4            *ernment as a result of a reduction in*  
5            *force, as determined by the Secretary of*  
6            *the military department concerned in*  
7            *accordance with regulations prescribed*  
8            *by the Secretary of Defense or by the*  
9            *Secretary of Transportation with re-*  
10           *spect to the Coast Guard when it is not*  
11           *operating as a service in the Navy;”.*

12           *(b) SELECTED RESERVE PROGRAM.—Section*  
13 *3012(a)(1) is amended—*

14           *(1) by striking “or” at the end of subparagraph*  
15 *(A);*

16           *(2) by adding “or” at the end of subparagraph*  
17 *(B); and*

18           *(3) by adding at the end the following new sub-*  
19 *paragraph:*

20           *“(C) as of December 31, 1989, was eligible*  
21 *for educational assistance under chapter 34 of*  
22 *this title and—*

23           *“(i) was not on active duty on October*  
24 *19, 1984;*

1                   “(ii) reenlists or reenters on a period  
2                   of active duty on or after October 19, 1984;  
3                   and

4                   “(iii) on or after July 1, 1985—

5                   “(I) serves at least two years of  
6                   continuous active duty in the Armed  
7                   Forces, subject to subsection (b) of this  
8                   section, characterized by the Secretary  
9                   concerned as honorable service; and

10                   “(II) subject to subsection (b) of  
11                   this section and beginning within one  
12                   year after completion of such two years  
13                   of service, serves at least four contin-  
14                   uous years in the Selected Reserve dur-  
15                   ing which the individual participates  
16                   satisfactorily in training as prescribed  
17                   by the Secretary concerned;”.

18                   (c) *TIME FOR USE OF ENTITLEMENT.*—Section 3031  
19 *is amended—*

20                   (1) *in subsection (a)—*

21                   (A) *by striking “and” at the end of para-*  
22                   *graph (1);*

23                   (B) *by striking the period at the end of*  
24                   *paragraph (2) and inserting “; and”; and*

1           (C) by adding at the end the following new  
2           paragraph:

3           “(3) in the case of an individual who becomes  
4           entitled to such assistance under section  
5           3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the  
6           date of the enactment of this paragraph.”; and

7           (2) in subsection (e)(1), by striking “section  
8           3011(a)(1)(B) or 3012(a)(1)(B)” and inserting “sec-  
9           tion 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or  
10          3012(a)(1)(C)”.

11 **SEC. 106. INCREASE IN MAXIMUM ALLOWABLE ANNUAL**  
12                                   **SENIOR ROTC EDUCATIONAL ASSISTANCE**  
13                                   **FOR ELIGIBILITY FOR BENEFITS UNDER THE**  
14                                   **MONTGOMERY GI BILL.**

15          (a) *IN GENERAL.*—Sections 3011(c)(3)(B) and  
16          3012(d)(3)(B) are each amended by striking “\$2,000” and  
17          inserting “\$3,400”.

18          (b) *EFFECTIVE DATE.*—The amendments made by sub-  
19          section (a) shall apply with respect to educational assist-  
20          ance allowances paid under chapter 30 of title 38, United  
21          States Code, for months beginning after the date of the en-  
22          actment of this Act.

1 **SEC. 107. EXPANSION OF WORK-STUDY OPPORTUNITIES.**

2       (a) *FIVE-YEAR EXPANSION OF QUALIFYING WORK-*  
3 *STUDY ACTIVITIES.*—*Subsection (a) of section 3485 is*  
4 *amended to read as follows:*

5       “(a)(1) *Individuals utilized under the authority of*  
6 *subsection (b) shall be paid an additional educational as-*  
7 *sistance allowance (hereinafter in this section referred to*  
8 *as ‘work-study allowance’). Such allowance shall be paid*  
9 *in return for an individual’s entering into an agreement*  
10 *described in paragraph (3).*

11       “(2) *Such work-study allowance shall be paid in an*  
12 *amount equal to the product of—*

13               “(A) *the applicable hourly minimum wage; and*

14               “(B) *the number of hours worked during the ap-*  
15 *plicable period.*

16       “(3) *An agreement described in this paragraph is an*  
17 *agreement of an individual to perform services, during or*  
18 *between periods of enrollment, aggregating not more than*  
19 *a number of hours equal to 25 times the number of weeks*  
20 *in the semester or other applicable enrollment period, re-*  
21 *quired in connection with a qualifying work-study activity.*

22       “(4) *For the purposes of this section, the term ‘quali-*  
23 *fying work-study activity’ means any of the following:*

24               “(A) *The outreach services program under sub-*  
25 *chapter II of chapter 77 of this title as carried out*  
26 *under the supervision of a Department employee or,*

1       *during the five-year period beginning on the date of*  
2       *the enactment of the Veterans Education and Benefits*  
3       *Expansion Act of 2001, outreach services to*  
4       *servicemembers and veterans furnished by employees*  
5       *of a State approving agency.*

6               *“(B) The preparation and processing of nec-*  
7       *essary papers and other documents at educational in-*  
8       *stitutions or regional offices or facilities of the De-*  
9       *partment.*

10              *“(C) The provision of hospital and domiciliary*  
11       *care and medical treatment under chapter 17 of this*  
12       *title, including, during the five-year period beginning*  
13       *on the date of the enactment of the Veterans Edu-*  
14       *cation and Benefits Expansion Act of 2001, the provi-*  
15       *sion of such care to veterans in a State home for*  
16       *which payment is made under section 1741 of this*  
17       *title.*

18              *“(D) Any other activity of the Department as the*  
19       *Secretary determines appropriate.*

20              *“(E) In the case of an individual who is receiv-*  
21       *ing educational assistance under chapter 1606 of title*  
22       *10, an activity relating to the administration of that*  
23       *chapter at Department of Defense, Coast Guard, or*  
24       *National Guard facilities.*

1           “(F) *During the five-year period beginning on*  
2           *the date of the enactment of the Veterans Education*  
3           *and Benefits Expansion Act of 2001, an activity re-*  
4           *lating to the administration of a national cemetery or*  
5           *a State veterans’ cemetery.*”

6           “(5) *An individual may elect, in a manner prescribed*  
7           *by the Secretary, to be paid in advance an amount equal*  
8           *to 40 percent of the total amount of the work-study allow-*  
9           *ance agreed to be paid under the agreement in return for*  
10          *the individual’s agreement to perform the number of hours*  
11          *of work specified in the agreement (but not more than an*  
12          *amount equal to 50 times the applicable hourly minimum*  
13          *wage).*”

14          “(6) *For the purposes of this subsection and subsection*  
15          *(e), the term ‘applicable hourly minimum wages’ means—*

16                 “(A) *the hourly minimum wage under section*  
17                 *6(a) of the Fair Labor Standards Act of 1938 (29*  
18                 *U.S.C. 206(a)); or*

19                 “(B) *the hourly minimum wage under com-*  
20                 *parable law of the State in which the services are to*  
21                 *be performed, if such wage is higher than the wage re-*  
22                 *ferred to in subparagraph (A) and the Secretary has*  
23                 *made a determination to pay such higher wage.”.*

24          “(b) *EFFECTIVE DATE.—The amendment made by this*  
25          *section shall apply with respect to agreements entered into*

1 *under section 3485 of title 38, United States Code, on or*  
 2 *after the date of the enactment of this Act.*

3 **SEC. 108. ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS'**  
 4 **EDUCATIONAL ASSISTANCE OF SPOUSES AND**  
 5 **SURVIVING SPOUSES OF VETERANS WITH**  
 6 **TOTAL SERVICE-CONNECTED DISABILITIES.**

7 (a) *DESIGNATION OF ELIGIBILITY.*—Section  
 8 *3501(a)(1)(D) is amended—*  
 9 *(1) by inserting “(i)” after “(D)”;* and  
 10 *(2) by inserting “(ii)” after “or”.*

11 (b) *RESTATEMENT AND EXPANSION OF TREATMENT OF*  
 12 *USE OF ELIGIBILITY.*—(1) *Section 3511 is amended by*  
 13 *adding at the end the following new subsection:*

14 *“(c) Any entitlement used by an eligible person as a*  
 15 *result of eligibility under section 3501(a)(1)(A)(iii),*  
 16 *3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be de-*  
 17 *ducted from any entitlement to which such person may sub-*  
 18 *sequently be entitled under this chapter.”.*

19 (2) *Section 3512 is amended by striking subsection (g).*

20 (c) *DELIMITING PERIOD.*—(1) *Section 3511(a)(1) is*  
 21 *amended by adding at the end the following new sentence:*  
 22 *“In no event may the aggregate educational assistance af-*  
 23 *forded to a spouse made eligible under both*  
 24 *3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed*  
 25 *45 months.”.*

1       (2) Paragraph (1) of section 3512(b) is amended to  
2 read as follows:

3       “(1)(A) Except as provided in subparagraph (B), a  
4 person made eligible by subparagraph (B) or (D) of section  
5 3501(a)(1) of this title may be afforded educational assist-  
6 ance under this chapter during the 10-year period begin-  
7 ning on the date (as determined by the Secretary) the per-  
8 son becomes an eligible person within the meaning of sec-  
9 tion 3501(a)(1)(B), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii)  
10 of this title. In the case of a surviving spouse made eligible  
11 by clause (ii) of section 3501(a)(1)(D) of this title, the 10-  
12 year period may not be reduced by any earlier period dur-  
13 ing which the person was eligible for educational assistance  
14 under this chapter as a spouse made eligible by clause (i)  
15 of that section.

16       “(B) Notwithstanding subparagraph (A), an eligible  
17 person referred to in that subparagraph may, subject to the  
18 Secretary’s approval, elect a later beginning date for the  
19 10-year period than would otherwise be applicable to the  
20 person under that subparagraph. The beginning date so  
21 elected may be any date between the beginning date deter-  
22 mined for the person under subparagraph (A) and which-  
23 ever of the following dates applies:

24               “(i) The date on which the Secretary notifies the  
25 veteran from whom eligibility is derived that the vet-

1        *eran has a service-connected total disability perma-*  
2        *nent in nature.*

3                *“(i) The date on which the Secretary determines*  
4        *that the veteran from whom eligibility is derived died*  
5        *of a service-connected disability.”.*

6        *(3) Section 3512(b) is further amended by striking*  
7        *paragraph (3).*

8        *(4) The amendments made by this subsection shall*  
9        *apply with respect to any determination (whether adminis-*  
10        *trative or judicial) of the eligibility of a spouse or surviving*  
11        *spouse for educational assistance under chapter 35 of title*  
12        *38, United States Code, made on or after the date of the*  
13        *enactment of this Act, whether pursuant to an original*  
14        *claim for such assistance or pursuant to a reapplication*  
15        *or attempt to reopen or readjudicate a claim for such assist-*  
16        *ance.*

17        **SEC. 109. EXPANSION OF SPECIAL RESTORATIVE TRAINING**

18                        **BENEFIT TO CERTAIN DISABLED SPOUSES OR**

19                        **SURVIVING SPOUSES.**

20        *(a) IN GENERAL.—Section 3540 is amended by strik-*  
21        *ing “section 3501(a)(1)(A) of this title” and inserting “sub-*  
22        *paragraphs (A), (B), and (D) of section 3501(a)(1) of this*  
23        *title”.*

1       (b) *CONFORMING AMENDMENTS.—(1) Section 3541(a)*  
2 *is amended in the matter preceding paragraph (1) by strik-*  
3 *ing “of the parent or guardian”.*

4       (2) *Section 3542(a) is amended—*

5           (A) *by striking “the parent or guardian shall be*  
6 *entitled to receive on behalf of such person” and in-*  
7 *serting “the eligible person shall be entitled to re-*  
8 *ceive”; and*

9           (B) *by striking “upon election by the parent or*  
10 *guardian of the eligible person” and inserting “upon*  
11 *election by the eligible person”.*

12       (3) *The second sentence of section 3543(a) is amended*  
13 *by striking “the parent or guardian for the training pro-*  
14 *vided to an eligible person” and inserting “for the training*  
15 *provided to the eligible person”.*

16       (4) *Section 3543 is amended by adding at the end the*  
17 *following new subsection:*

18       “(c) *In a case in which the Secretary authorizes train-*  
19 *ing under section 3541(a) of this title on behalf of an eligi-*  
20 *ble person, the parent or guardian shall be entitled—*

21           “(1) *to receive on behalf of the eligible person the*  
22 *special training allowance provided for under section*  
23 *3542(a) of this title;*

24           “(2) *to elect an increase in the basic monthly al-*  
25 *lowance provided for under such section; and*

1           “(3) to agree with the Secretary on the fair and  
2           reasonable amounts which may be charged under sub-  
3           section (a).”.

4   **SEC. 110. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY**  
5                   **ENTITIES IN DEFINITION OF EDUCATIONAL**  
6                   **INSTITUTION.**

7           (a) *IN GENERAL.*—Sections 3452(c) and 3501(a)(6)  
8           are each amended by adding at the end the following new  
9           sentence: “Such term also includes any private entity (that  
10           meets such requirements as the Secretary may establish)  
11           that offers, either directly or under an agreement with an-  
12           other entity (that meets such requirements), a course or  
13           courses to fulfill requirements for the attainment of a license  
14           or certificate generally recognized as necessary to obtain,  
15           maintain, or advance in employment in a profession or vo-  
16           cation in a high technology occupation (as determined by  
17           the Secretary).”.

18           (b) *EFFECTIVE DATE.*—The amendments made by sub-  
19           section (a) shall apply to enrollments in courses beginning  
20           on or after the date of the enactment of this Act.

21   **SEC. 111. DISTANCE EDUCATION.**

22           (a) *IN GENERAL.*—Subsection (a)(4) of section 3680A  
23           is amended—

24                   (1) by inserting “(A)” after “leading”; and

1           (2) *by inserting before the period the following:*  
2           “, or (B) to a certificate that reflects educational at-  
3           tainment offered by an institution of higher learn-  
4           ing”.

5           (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
6 *section (a) shall apply to enrollments in independent study*  
7 *courses beginning on or after the date of the enactment of*  
8 *this Act.*

9           **TITLE II—COMPENSATION AND**  
10           **PENSION PROVISIONS**

11           **SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES**  
12                           **ON PRESUMPTION OF SERVICE-CONNECTION**  
13                           **FOR HERBICIDE-RELATED DISABILITIES OF**  
14                           **VIETNAM VETERANS.**

15           (a) *PRESUMPTIVE PERIOD FOR RESPIRATORY CAN-*  
16 *CERS.*—(1)(A) *Subparagraph (F) of subsection (a)(2) of*  
17 *section 1116 is amended by striking “within 30 years” and*  
18 *all that follows through “May 7, 1975”.*

19           (B) *The amendment made by subparagraph (A) shall*  
20 *take effect January 1, 2002.*

21           (2) *The Secretary of Veterans Affairs shall enter into*  
22 *a contract with the National Academy of Sciences, not later*  
23 *than six months after the date of the enactment of this Act,*  
24 *for the performance of a study to include a review of all*  
25 *available scientific literature on the effects of exposure to*

1 *an herbicide agent containing dioxin on the development*  
2 *of respiratory cancers in humans and whether it is possible*  
3 *to identify a period of time after exposure to herbicides after*  
4 *which a presumption of service-connection for such exposure*  
5 *would not be warranted. Under the contract, the National*  
6 *Academy of Sciences shall submit a report to the Secretary*  
7 *setting forth its conclusions. The report shall be submitted*  
8 *not later than 18 months after the contract is entered into.*

9       (3) *For a period of six months beginning on the date*  
10 *of the receipt of the report of the National Academy of*  
11 *Sciences under paragraph (2), the Secretary may, if war-*  
12 *ranted by clear scientific evidence presented in the National*  
13 *Academy of Sciences report, initiate a rulemaking under*  
14 *which the Secretary would specify a limit on the number*  
15 *of years after a claimant's departure from Vietnam after*  
16 *which respiratory cancers would not be presumed to have*  
17 *been associated with the claimant's exposure to herbicides*  
18 *while serving in Vietnam. Any such limit under such a rule*  
19 *may not take effect until 120 days have passed after the*  
20 *publication of a final rule to impose such a limit.*

21       (4)(A) *Subject to subparagraphs (B) and (C), if the*  
22 *Secretary imposes such a limit under paragraph (3), that*  
23 *limit shall be effective only as to claims filed on or after*  
24 *the effective date of that limit.*

1           (B) *In the case of any veteran whose disability or*  
2 *death due to respiratory cancer is found by the Secretary*  
3 *to be service-connected under section 1116(a)(2)(F) of title*  
4 *38, United States Code, as amended by paragraph (1), such*  
5 *disability or death shall remain service-connected for pur-*  
6 *poses of all provisions of law under such title notwith-*  
7 *standing the imposition, if any, of a time limit by the Sec-*  
8 *retary by rulemaking authorized under paragraph (3).*

9           (C) *Subparagraph (B) does not apply in a case in*  
10 *which—*

11                 (i) *the original award of compensation or service*  
12 *connection was based on fraud; or*

13                 (ii) *it is clearly shown from military records*  
14 *that the person concerned did not have the requisite*  
15 *service or character of discharge.*

16           (b) *PRESUMPTION THAT DIABETES MELLITUS (TYPE*  
17 *2) IS SERVICE-CONNECTED.—Subsection (a)(2) of section*  
18 *1116 is further amended by adding at the end the following*  
19 *new subparagraph:*

20                         “(H) *Diabetes Mellitus (Type 2).*”.

21           (c) *PRESUMPTION OF EXPOSURE TO HERBICIDE*  
22 *AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Section*  
23 *1116 is further amended—*

1           (A) by transferring paragraph (3) of subsection  
2           (a) to the end of the section and redesignating such  
3           paragraph, as so transferred, as subsection (f);

4           (B) by redesignating paragraph (4) of subsection  
5           (a) as paragraph (3); and

6           (C) in subsection (f), as transferred and redesign-  
7           ated by subparagraph (A) of this paragraph—

8                 (i) by striking “For the purposes of this  
9                 subsection, a veteran” and inserting “For pur-  
10                poses of establishing service connection for a dis-  
11                ability or death resulting from exposure to a her-  
12                bicide agent, including a presumption of service-  
13                connection under this section, a veteran”; and

14               (ii) by striking “and has a disease referred  
15                to in paragraph (1)(B) of this subsection”.

16           (2)(A) The heading of that section is amended to read  
17 as follows:

18           **“§ 1116. Presumptions of service connection for dis-**  
19                 **eases associated with exposure to certain**  
20                 **herbicide agents; presumption of exposure**  
21                 **for veterans who served in the Republic of**  
22                 **Vietnam”.**

23           (B) The item relating to that section in the table of  
24 sections at the beginning of chapter 11 is amended to read  
25 as follows:

*“1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam.”.*

1           (d) *EXTENSION OF AUTHORITY TO PRESUME SERV-*  
 2 *ICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Sub-*  
 3 *section (e) of such section is amended by striking “10 years”*  
 4 *and all that follows through “Agent Orange Act of 1991”*  
 5 *and inserting “on September 30, 2015”.*

6           (2) *Section 3(i) of the Agent Orange Act of 1991 (38*  
 7 *U.S.C. 1116 note) is amended by striking “10 years” and*  
 8 *all that follows and inserting “on October 1, 2014.”.*

9   **SEC. 202. PAYMENT OF COMPENSATION FOR PERSIAN GULF**  
 10                           **WAR VETERANS WITH CERTAIN CHRONIC DIS-**  
 11                           **ABILITIES.**

12           (a) *ILLNESSES THAT CANNOT BE CLEARLY DE-*  
 13 *FINED.—(1) Subsection (a) of section 1117 is amended to*  
 14 *read as follows:*

15           “(a)(1) *The Secretary may pay compensation under*  
 16 *this subchapter to a Persian Gulf veteran with a qualifying*  
 17 *chronic disability that became manifest—*

18                           “(A) *during service on active duty in the Armed*  
 19 *Forces in the Southwest Asia theater of operations*  
 20 *during the Persian Gulf War; or*

21                           “(B) *to a degree of 10 percent or more during*  
 22 *the presumptive period prescribed under subsection*  
 23 *(b).*

1       “(2) For purposes of this subsection, the term ‘quali-  
 2       fying chronic disability’ means a chronic disability result-  
 3       ing from any of the following (or any combination of any  
 4       of the following):

5               “(A) An undiagnosed illness.

6               “(B) A medically unexplained chronic multi-  
 7       symptom illness (such as chronic fatigue syndrome,  
 8       fibromyalgia, and irritable bowel syndrome) that is  
 9       defined by a cluster of signs or symptoms.

10              “(C) Any diagnosed illness that the Secretary de-  
 11       termines in regulations prescribed under subsection  
 12       (d) warrants a presumption of service-connection.”.

13       (2) Subsection (c)(1) of such section is amended—

14              (A) in the matter preceding subparagraph (A),  
 15       by striking “for an undiagnosed illness (or combina-  
 16       tion of undiagnosed illnesses)”; and

17              (B) in subparagraph (A), by striking “for such  
 18       illness (or combination of illnesses)”.

19       (b) *SIGNS OR SYMPTOMS THAT MAY INDICATE*  
 20       *UNDIAGNOSED ILLNESSES.*—(1) Such section is further  
 21       amended by adding at the end the following new subsection:

22              “(g) For purposes of this section, signs or symptoms  
 23       that may be a manifestation of an undiagnosed illness or  
 24       a chronic multisymptom illness include the following:

25              “(1) Fatigue.

1           “(2) *Unexplained rashes or other dermatological*  
2           *signs or symptoms.*

3           “(3) *Headache.*

4           “(4) *Muscle pain.*

5           “(5) *Joint pain.*

6           “(6) *Neurological signs and symptoms.*

7           “(7) *Neuropsychological signs or symptoms.*

8           “(8) *Signs or symptoms involving the upper or*  
9           *lower respiratory system.*

10          “(9) *Sleep disturbances.*

11          “(10) *Gastrointestinal signs or symptoms.*

12          “(11) *Cardiovascular signs or symptoms.*

13          “(12) *Abnormal weight loss.*

14          “(13) *Menstrual disorders.”.*

15          (2) *Section 1118(a) is amended by adding at the end*  
16 *the following new paragraph:*

17           “(4) *For purposes of this section, signs or symptoms*  
18 *that may be a manifestation of an undiagnosed illness in-*  
19 *clude the signs and symptoms listed in section 1117(g) of*  
20 *this title.”.*

21          (c) *EFFECTIVE DATE.*—*The amendments made by sub-*  
22 *sections (a) and (b) shall take effect on March 1, 2002.*

23          (d) *CLARIFICATION OF AUTHORITY TO PRESUME*  
24 *SERVICE-CONNECTION FOR ADDITIONAL DISEASES.*—(1)  
25 *Sections 1117(c)(2) and 1118(e) are each amended by strik-*

1 *ing “10 years” and all that follows through “of 1998” and*  
2 *inserting “on September 30, 2011”.*

3 *(2) Section 1603(j) of the Persian Gulf War Veterans*  
4 *Act of 1998 (38 U.S.C. 1117 note) is amended by striking*  
5 *“10 years” and all that follows and inserting “on October*  
6 *1, 2010.”.*

7 **SEC. 203. PRESERVATION OF SERVICE CONNECTION FOR**  
8 **UNDIAGNOSED ILLNESSES TO PROVIDE FOR**  
9 **PARTICIPATION IN RESEARCH PROJECTS BY**  
10 **PERSIAN GULF WAR VETERANS.**

11 *(a) AUTHORITY FOR SECRETARY TO PROVIDE FOR*  
12 *PARTICIPATION WITHOUT LOSS OF BENEFITS.—Section*  
13 *1117 is amended by adding after subsection (g), as added*  
14 *by section 202(b), the following new subsection:*

15 *“(h)(1) If the Secretary determines with respect to a*  
16 *medical research project sponsored by the Department that*  
17 *it is necessary for the conduct of the project that Persian*  
18 *Gulf veterans in receipt of compensation under this section*  
19 *or section 1118 of this title participate in the project with-*  
20 *out the possibility of loss of service connection under either*  
21 *such section, the Secretary shall provide that service connec-*  
22 *tion granted under either such section for disability of a*  
23 *veteran who participated in the research project may not*  
24 *be terminated. Except as provided in paragraph (2),*  
25 *notwithstanding any other provision of law any grant of*

1 *service-connection protected under this subsection shall re-*  
2 *main service-connected for purposes of all provisions of law*  
3 *under this title.*

4 “(2) Paragraph (1) does not apply in a case in  
5 which—

6 “(A) the original award of compensation or serv-  
7 ice connection was based on fraud; or

8 “(B) it is clearly shown from military records  
9 that the person concerned did not have the requisite  
10 service or character of discharge.

11 “(3) The Secretary shall publish in the Federal Reg-  
12 ister a list of medical research projects sponsored by the  
13 Department for which service connection granted under this  
14 section or section 1118 of this title may not be terminated  
15 pursuant to paragraph (1).”

16 (b) *EFFECTIVE DATE.*—The authority provided by  
17 subsection (h) of section 1117 of title 38, United States  
18 Code, as added by subsection (a), may be used by the Sec-  
19 retary of Veterans Affairs with respect to any medical re-  
20 search project of the Department of Veterans Affairs, wheth-  
21 er commenced before, on, or after the date of the enactment  
22 of this Act.

1 **SEC. 204. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**  
2 **FITS TO INCOMPETENT INSTITUTIONALIZED**  
3 **VETERANS.**

4 (a) *REPEAL.*—Section 5503 is amended—

5 (1) *by striking subsections (b) and (c); and*

6 (2) *by redesignating subsections (d), (e), and (f)*  
7 *as subsections (b), (c), and (d), respectively.*

8 (b) *CONFORMING AMENDMENTS.*—(1) Section 1114(r)  
9 *is amended by striking “section 5503(e)” and inserting*  
10 *“section 5503(c)”.*

11 (2) *Section 5112 is amended by striking subsection (c).*

12 **SEC. 205. EXTENSION OF ROUND-DOWN REQUIREMENT FOR**  
13 **COMPENSATION COST-OF-LIVING ADJUST-**  
14 **MENTS.**

15 *Sections 1104(a) and 1303(a) are amended by striking*  
16 *“2002” and inserting “2011”.*

17 **SEC. 206. EXPANSION OF PRESUMPTIONS OF PERMANENT**  
18 **AND TOTAL DISABILITY FOR VETERANS AP-**  
19 **PLYING FOR NONSERVICE-CONNECTED PEN-**  
20 **SION.**

21 (a) *IN GENERAL.*—Section 1502(a) is amended by  
22 *striking “such a person” and all that follows through the*  
23 *end of the subsection and inserting the following: “such per-*  
24 *son is any of the following:*

25 (1) *A patient in a nursing home for long-term*  
26 *care because of disability.*

1           “(2) *Disabled, as determined by the Commis-*  
2           *sioner of Social Security for purposes of any benefits*  
3           *administered by the Commissioner.*

4           “(3) *Unemployable as a result of disability rea-*  
5           *sonably certain to continue throughout the life of the*  
6           *person.*

7           “(4) *Suffering from—*

8                   “(A) *any disability which is sufficient to*  
9                   *render it impossible for the average person to fol-*  
10                   *low a substantially gainful occupation, but only*  
11                   *if it is reasonably certain that such disability*  
12                   *will continue throughout the life of the person; or*

13                   “(B) *any disease or disorder determined by*  
14                   *the Secretary to be of such a nature or extent as*  
15                   *to justify a determination that persons suffering*  
16                   *therefrom are permanently and totally dis-*  
17                   *abled.”.*

18           (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
19           *section (a) shall take effect as of September 17, 2001.*

20           **SEC. 207. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR**  
21                   **OLDER FOR VETERANS’ PENSION BENEFITS.**

22           (a) *IN GENERAL.*—(1) *Subchapter II of chapter 15 is*  
23           *amended by inserting after section 1512 the following new*  
24           *section:*

1 **“§ 1513. Veterans 65 years of age and older**

2       “(a) *The Secretary shall pay to each veteran of a pe-*  
3 *riod of war who is 65 years of age or older and who meets*  
4 *the service requirements of section 1521 of this title (as pre-*  
5 *scribed in subsection (j) of that section) pension at the rates*  
6 *prescribed by 1521 of this title and under the conditions*  
7 *(other than the permanent and total disability requirement)*  
8 *applicable to pension paid under that section.*

9       “(b) *If a veteran is eligible for pension under both this*  
10 *section and section 1521 of this title, pension shall be paid*  
11 *to the veteran only under section 1521 of this title.”.*

12       (2) *The table of sections at the beginning of such chap-*  
13 *ter is amended by inserting after the item relating to section*  
14 *1512 the following new item:*

*“1513. Veterans 65 years of age and older.”.*

15       (b) *CONFORMING AMENDMENTS.—(1) Section*  
16 *1521(f)(1) is amended by inserting “or the age and service*  
17 *requirements prescribed in section 1513 of this title,” after*  
18 *“of this section,”.*

19       (2) *Section 1522(a) is amended by inserting “1513 or”*  
20 *after “under section”.*

21       (c) *EFFECTIVE DATE.—The amendments made by this*  
22 *section shall take effect as of September 17, 2001.*

1           **TITLE III—TRANSITION AND**  
2           **OUTREACH PROVISIONS**

3   **SEC. 301. AUTHORITY TO ESTABLISH OVERSEAS VETERANS**  
4           **ASSISTANCE OFFICES TO EXPAND TRANSI-**  
5           **TION ASSISTANCE.**

6           *Section 7723(a) is amended by inserting after the first*  
7 *sentence the following new sentence: “The Secretary may*  
8 *maintain such offices on such military installations located*  
9 *elsewhere as the Secretary, after consultation with the Sec-*  
10 *retary of Defense, determines to be necessary to carry out*  
11 *such purposes.”.*

12   **SEC. 302. TIMING OF PRESEPARATION COUNSELING.**

13           *(a) IN GENERAL.—(1) The first sentence of section*  
14 *1142(a)(1) of title 10, United States Code, is amended to*  
15 *read as follows: “Within the time periods specified in para-*  
16 *graph (3), the Secretary concerned shall (except as provided*  
17 *in paragraph (4)) provide for individual preseparation*  
18 *counseling of each member of the armed forces whose dis-*  
19 *charge or release from active duty is anticipated as of a*  
20 *specific date.”.*

21           *(2) Such section is further amended by adding at the*  
22 *end the following new paragraphs:*

23           *“(3)(A) In the case of an anticipated retirement,*  
24 *preseparation counseling shall commence as soon as possible*  
25 *during the 24-month period preceding the anticipated re-*

1 *tirement date. In the case of a separation other than a re-*  
2 *tirement, preseparation counseling shall commence as soon*  
3 *as possible during the 12-month period preceding the an-*  
4 *ticipated date. Except as provided in subparagraph (B), in*  
5 *no event shall preseparation counseling commence later*  
6 *than 90 days before the date of discharge or release.*

7       “(B) *In the event that a retirement or other separation*  
8 *is unanticipated until there are 90 or fewer days before the*  
9 *anticipated retirement or separation date, preseparation*  
10 *counseling shall begin as soon as possible within the re-*  
11 *maining period of service.*

12       “(4)(A) *Subject to subparagraph (B), the Secretary*  
13 *concerned shall not provide preseparation counseling to a*  
14 *member who is being discharged or released before the com-*  
15 *pletion of that member’s first 180 days of active duty.*

16       “(B) *Subparagraph (A) shall not apply in the case*  
17 *of a member who is being retired or separated for dis-*  
18 *ability.”.*

19       (b) *CONFORMING AMENDMENT.—The second sentence*  
20 *of section 1144(a)(1) of title 10, United States Code, is*  
21 *amended by striking “during the 180-day period” and all*  
22 *that follows and inserting “within the time periods pro-*  
23 *vided under paragraph (3) of section 1142(a) of this title,*  
24 *except that the Secretary concerned shall not provide*

1 *preseparation counseling to a member described in para-*  
 2 *graph (4)(A) of such section.”.*

3 **SEC. 303. IMPROVEMENT IN EDUCATION AND TRAINING**  
 4 **OUTREACH SERVICES FOR SEPARATING**  
 5 **SERVICEMEMBERS AND VETERANS.**

6 *(a) PROVIDING OUTREACH THROUGH STATE APPROV-*  
 7 *ING AGENCIES.—Section 3672(d) is amended by inserting*  
 8 *“and State approving agencies” before “shall actively pro-*  
 9 *mote the development of programs of training on the job”.*

10 *(b) ADDITIONAL DUTY.—Such section is further*  
 11 *amended—*

12 *(1) by inserting “(1)” after “(d)”;* and

13 *(2) by adding at the end the following new para-*  
 14 *graph:*

15 *“(2) In conjunction with outreach services provided by*  
 16 *the Secretary under chapter 77 of this title for education*  
 17 *and training benefits, each State approving agency shall*  
 18 *conduct outreach programs and provide outreach services*  
 19 *to eligible persons and veterans about education and train-*  
 20 *ing benefits available under applicable Federal and State*  
 21 *law.”.*

22 **SEC. 304. IMPROVEMENT OF VETERANS OUTREACH PRO-**  
 23 **GRAMS.**

24 *Section 7722(c) is amended—*

25 *(1) by inserting “(1)” after “(c)”;* and

1           (2) *by adding at the end the following:*

2           “(2) *Whenever a veteran or dependent first applies for*  
 3 *any benefit under laws administered by the Secretary (in-*  
 4 *cluding a request for burial or related benefits or an appli-*  
 5 *cation for life insurance proceeds), the Secretary shall pro-*  
 6 *vide to the veteran or dependent information concerning*  
 7 *benefits and health care services under programs adminis-*  
 8 *tered by the Secretary. Such information shall be provided*  
 9 *not later than three months after the date of such applica-*  
 10 *tion.”.*

11       ***TITLE IV—HOUSING MATTERS***

12       ***SEC. 401. INCREASE IN HOME LOAN GUARANTY AMOUNT***  
 13                       ***FOR CONSTRUCTION AND PURCHASE OF***  
 14                       ***HOMES.***

15           *Section 3703(a)(1) is amended by striking “\$50,750”*  
 16 *each place it appears in subparagraphs (A)(i)(IV) and (B)*  
 17 *and inserting “\$60,000”.*

18       ***SEC. 402. NATIVE AMERICAN VETERAN HOUSING LOAN***  
 19                       ***PILOT PROGRAM.***

20           *(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c)*  
 21 *is amended by striking “December 31, 2001” and inserting*  
 22 *“December 31, 2005”.*

23           *(b) AUTHORIZATION OF THE USE OF CERTAIN FED-*  
 24 *ERAL MEMORANDUMS OF UNDERSTANDING.—Section*  
 25 *3762(a)(1) is amended—*



1 **SEC. 404. INCREASE IN ASSISTANCE AMOUNT FOR SPE-**  
2 **CIALLY ADAPTED HOUSING.**

3 *Section 2102 is amended—*

4 *(1) in the matter preceding paragraph (1) of*  
5 *subsection (a), by striking “\$43,000” and inserting*  
6 *“\$48,000”; and*

7 *(2) in subsection (b)(2), by striking “\$8,250”*  
8 *and inserting “\$9,250”.*

9 **SEC. 405. EXTENSION OF OTHER HOUSING AUTHORITIES.**

10 *(a) HOUSING LOANS FOR MEMBERS OF THE SE-*  
11 *LECTED RESERVE.—Section 3702(a)(2)(E) is amended by*  
12 *striking “September 30, 2007” and inserting “September*  
13 *30, 2009”.*

14 *(b) ENHANCED LOAN ASSET SALE AUTHORITY.—Sec-*  
15 *tion 3720(h)(2) is amended by striking “December 31,*  
16 *2008” and inserting “December 31, 2011”.*

17 *(c) HOME LOAN FEE AUTHORITIES.—The table in sec-*  
18 *tion 3729(b)(2) is amended by striking “October 1, 2008”*  
19 *each place it appears and inserting “October 1, 2011”.*

20 *(d) PROCEDURES APPLICABLE TO LIQUIDATION SALES*  
21 *ON DEFAULTED HOME LOANS GUARANTEED BY THE DE-*  
22 *PARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is*  
23 *amended by striking “October 1, 2008” and inserting “Oc-*  
24 *tober 1, 2011”.*

1 **SEC. 406. CLARIFYING AMENDMENT RELATING TO ELIGI-**  
2 **BILITY OF MEMBERS OF THE SELECTED RE-**  
3 **SERVE FOR HOUSING LOANS.**

4 *Section 3729(b)(4)(B) is amended by inserting before*  
5 *the period the following: “who is eligible under section*  
6 *3702(a)(2)(E) of this title”.*

7 **TITLE V—OTHER MATTERS**

8 **SEC. 501. INCREASE IN BURIAL BENEFITS.**

9 *(a) BURIAL AND FUNERAL EXPENSES.—(1) Clause (1)*  
10 *of section 2307 is amended by striking “\$1,500” and insert-*  
11 *ing “\$2,000”.*

12 *(2) The amendment made by paragraph (1) shall*  
13 *apply to deaths occurring on or after September 11, 2001.*

14 *(b) PLOT ALLOWANCE.—(1) Section 2303(b) is amend-*  
15 *ed by striking “\$150” each place it appears and inserting*  
16 *“\$300”.*

17 *(2) The amendments made by paragraph (1) shall*  
18 *apply to deaths occurring on or after December 1, 2001.*

19 **SEC. 502. GOVERNMENT MARKERS FOR MARKED GRAVES AT**  
20 **PRIVATE CEMETERIES.**

21 *(a) GOVERNMENT MARKER BENEFIT.—Section 2306 of*  
22 *title 38, United States Code, is amended—*

23 *(1) by redesignating subsections (d) and (e) as*  
24 *subsections (e) and (f), respectively; and*

25 *(2) by inserting after subsection (c) the following*  
26 *new subsection (d):*

1       “(d)(1) *The Secretary shall furnish, when requested,*  
2 *an appropriate Government marker at the expense of the*  
3 *United States for the grave of an individual described in*  
4 *paragraph (2) or (5) of subsection (a) who is buried in a*  
5 *private cemetery, notwithstanding that the grave is marked*  
6 *by a headstone or marker furnished at private expense.*  
7 *Such a marker may be furnished only if the individual*  
8 *making the request for the Government marker certifies to*  
9 *the Secretary that the marker will be placed on the grave*  
10 *for which the marker is requested.*

11       “(2) *Any marker furnished under this subsection shall*  
12 *be delivered by the Secretary directly to the cemetery where*  
13 *the grave is located.*

14       “(3) *The authority to furnish a marker under this sub-*  
15 *section expires on December 31, 2006.*

16       “(4) *Not later than February 1, 2006, the Secretary*  
17 *shall submit to the Committees on Veterans’ Affairs of the*  
18 *Senate and House of Representatives a report on the use*  
19 *of the authority under this subsection. The report shall in-*  
20 *clude the following:*

21               “(A) *The rate of use of the benefit under this*  
22 *subsection, shown by fiscal year.*

23               “(B) *An assessment as to the extent to which*  
24 *markers furnished under this subsection are being de-*

1        *livered to cemeteries and placed on grave sites con-*  
2        *sistent with the provisions of this subsection.*

3            *“(C) The Secretary’s recommendation for exten-*  
4        *sion or repeal of the expiration date specified in*  
5        *paragraph (3).”.*

6        *(b) DESIGN OF MARKER.—Subsection (c) of such sec-*  
7        *tion is amended by striking “subsection (a) or (b)” and in-*  
8        *serting “subsection (a), (b), or (d)”.*

9        *(c) CROSS REFERENCE CORRECTION.—Subsection*  
10       *(a)(5) of such section is amended by striking “chapter 67”*  
11       *and inserting “chapter 1223”.*

12       *(d) EFFECTIVE DATE.—The amendments made by*  
13       *subsections (a) and (b) shall apply with respect to markers*  
14       *for the graves of individuals dying on or after the date of*  
15       *the enactment of this Act.*

16       **SEC. 503. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTO-**  
17                                **MOBILE AND ADAPTIVE EQUIPMENT FOR**  
18                                **CERTAIN DISABLED VETERANS.**

19        *Section 3902(a) is amended by striking “\$8,000” and*  
20        *inserting “\$9,000”.*

1 **SEC. 504. EXTENSION OF LIMITATION ON PENSION FOR**  
 2 **CERTAIN RECIPIENTS OF MEDICAID-COV-**  
 3 **ERED NURSING HOME CARE.**

4 *Paragraph (7) of subsection (d) of section 5503, as re-*  
 5 *designated by section 204(a), is amended by striking “Sep-*  
 6 *tember 30, 2008” and inserting “September 30, 2011”.*

7 **SEC. 505. PROHIBITION ON PROVISION OF CERTAIN BENE-**  
 8 **FITS WITH RESPECT TO PERSONS WHO ARE**  
 9 **FUGITIVE FELONS.**

10 *(a) PROHIBITION.—(1) Chapter 53 is amended by in-*  
 11 *serting after section 5313A the following new section:*

12 **“§5313B. Prohibition on providing certain benefits**  
 13 **with respect to persons who are fugitive**  
 14 **felons**

15 *“(a) A veteran who is otherwise eligible for a benefit*  
 16 *specified in subsection (c) may not be paid or otherwise*  
 17 *provided such benefit for any period during which such vet-*  
 18 *eran is a fugitive felon. A dependent of a veteran who is*  
 19 *otherwise eligible for a benefit specified in subsection (c)*  
 20 *may not be paid or otherwise provided such benefit for any*  
 21 *period during which such veteran or such dependent is a*  
 22 *fugitive felon.*

23 *“(b) For purposes of this section:*

24 *“(1) The term ‘fugitive felon’ means a person*  
 25 *who is a fugitive by reason of—*

1           “(A) fleeing to avoid prosecution, or custody  
2           or confinement after conviction, for an offense, or  
3           an attempt to commit an offense, which is a fel-  
4           ony under the laws of the place from which the  
5           person flees; or

6           “(B) violating a condition of probation or  
7           parole imposed for commission of a felony under  
8           Federal or State law.

9           “(2) The term ‘felony’ includes a high mis-  
10          demeanor under the laws of a State which character-  
11          izes as high misdemeanors offenses that would be fel-  
12          ony offenses under Federal law.

13          “(3) The term ‘dependent’ means a spouse, sur-  
14          viving spouse, child, or dependent parent of a veteran.

15          “(c) A benefit specified in this subsection is a benefit  
16          under any of the following:

17                 “(1) Chapter 11 of this title.

18                 “(2) Chapter 13 of this title.

19                 “(3) Chapter 15 of this title.

20                 “(4) Chapter 17 of this title.

21                 “(5) Chapter 19 of this title.

22                 “(6) Chapter 30, 31, 32, 34, or 35 of this title.

23                 “(7) Chapter 37 of this title.

24          “(d)(1) The Secretary shall furnish to any Federal,  
25          State, or local law enforcement official, upon the written

1 *request of such official, the most current address maintained*  
 2 *by the Secretary of a person who is eligible for a benefit*  
 3 *specified in subsection (c) if such official—*

4           “(A) *provides to the Secretary such information*  
 5           *as the Secretary may require to fully identify the per-*  
 6           *son;*

7           “(B) *identifies the person as being a fugitive*  
 8           *felon; and*

9           “(C) *certifies to the Secretary that apprehending*  
 10           *such person is within the official duties of such offi-*  
 11           *cial.*

12           “(2) *The Secretary shall enter into memoranda of un-*  
 13           *derstanding with Federal law enforcement agencies, and*  
 14           *may enter into agreements with State and local law enforce-*  
 15           *ment agencies, for purposes of furnishing information to*  
 16           *such agencies under paragraph (1).”.*

17           (2) *The table of sections at the beginning of that chap-*  
 18           *ter is amended by inserting after the item relating to section*  
 19           *5313A the following new item:*

*“5313B. Prohibition on providing certain benefits with respect to persons who are  
 fugitive felons.”.*

20           (b) *SENSE OF CONGRESS ON ENTRY INTO MEMORANDA*  
 21 *OF UNDERSTANDING AND AGREEMENTS.—It is the sense of*  
 22 *Congress that the memoranda of understanding and agree-*  
 23 *ments referred to in section 5313B(d)(2) of title 38, United*  
 24 *States Code (as added by subsection (a)), should be entered*

1 *into as soon as practicable after the date of the enactment*  
2 *of this Act, but not later than six months after that date.*

3 **SEC. 506. LIMITATION ON PAYMENT OF COMPENSATION**  
4 **FOR VETERANS REMAINING INCARCERATED**  
5 **SINCE OCTOBER 7, 1980.**

6 (a) *LIMITATION.*—Section 5313 of title 38, United  
7 States Code, other than subsection (d) of that section, shall  
8 apply with respect to the payment of compensation to or  
9 with respect to any veteran described in subsection (b).

10 (b) *COVERED VETERANS.*—A veteran described in this  
11 subsection is a veteran who is entitled to compensation and  
12 who—

13 (1) *on October 7, 1980, was incarcerated in a*  
14 *Federal, State, or local penal institution for a felony*  
15 *committed before that date; and*

16 (2) *remains so incarcerated for conviction of that*  
17 *felony as of the date of the enactment of this Act.*

18 (c) *EFFECTIVE DATE.*—This section shall apply with  
19 respect to the payment of compensation for months begin-  
20 ning on or after the end of the 90-day period beginning  
21 on the date of the enactment of this Act.

22 (d) *COMPENSATION DEFINED.*—For purposes of this  
23 section, the term “compensation” has the meaning given  
24 that term in section 5313 of title 38, United States Code.

1 **SEC. 507. ELIMINATION OF REQUIREMENT FOR PROVIDING**  
2 **A COPY OF NOTICE OF APPEAL TO THE SEC-**  
3 **RETARY OF VETERANS AFFAIRS.**

4 (a) *REPEAL.*—Section 7266 is amended by striking  
5 subsection (b).

6 (b) *CONFORMING AMENDMENTS.*—Such section is fur-  
7 ther amended—

8 (1) by striking “(1)” after “(a)”;

9 (2) by redesignating paragraph (2) as subsection  
10 (b);

11 (3) by redesignating paragraph (3) as subsection  
12 (c) and redesignating subparagraphs (A) and (B)  
13 thereof as paragraphs (1) and (2); and

14 (4) by redesignating paragraph (4) as subsection  
15 (d) and by striking “paragraph (3)(B)” therein and  
16 inserting “subsection (c)(2)”.

17 **SEC. 508. INCREASE IN FISCAL YEAR LIMITATION ON NUM-**  
18 **BER OF VETERANS IN PROGRAMS OF INDE-**  
19 **PENDENT LIVING SERVICES AND ASSIST-**  
20 **ANCE.**

21 (a) *INCREASE IN LIMITATION.*—Section 3120(e) is  
22 amended by striking “five hundred” and inserting “2,500”.

23 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
24 section (a) shall take effect as of September 30, 2001.

1 **SEC. 509. TECHNICAL AND CLERICAL AMENDMENTS.**

2 (a) *REPEAL OF EXPIRED PROVISION.*—(1) Section 712  
3 is repealed.

4 (2) The table of sections at the beginning of chapter  
5 7 is amended by striking the item relating to section 712.

6 (b) *CORRECTION OF WORD OMISSION.*—Section  
7 1710B(c)(2)(B) is amended by inserting “on” before “No-  
8 vember 30, 1999”.

9 (c) *REPEAL OF ERRONEOUS CROSS REFERENCE.*—  
10 Section 1729B(b) is amended—

11 (1) by striking paragraph (1); and

12 (2) by redesignating paragraphs (2), (3), and (4)  
13 as paragraphs (1), (2), and (3), respectively.

14 (d) *CORRECTION OF CROSS REFERENCE.*—Section  
15 3695(a)(5) is amended by striking “1610” and inserting  
16 “1611”.

17 (e) *STYLISTIC CORRECTION.*—Section 1001(a)(2) of  
18 the Veterans’ Benefits Improvements Act of 1994 (Public  
19 Law 103–446; 38 U.S.C. 7721 note) is amended by striking  
20 “and” at the end of subparagraph (C).

21 (f) *CORRECTION OF PREVIOUS AMENDMENT.*—Effec-  
22 tive November 30, 1999, and as if included therein as origi-  
23 nally enacted, section 204(e)(3) of the Veterans Millennium  
24 Health Care and Benefits Act (Public Law 106–117; 113  
25 Stat. 1563) is amended by striking “and inserting ‘a;’” and  
26 inserting “the first place it appears and inserting ‘an;’”.

1 **TITLE VI—UNITED STATES**  
2 **COURT OF APPEALS FOR VET-**  
3 **ERANS CLAIMS**

4 **SEC. 601. FACILITATION OF STAGGERED TERMS OF JUDGES**  
5 **THROUGH TEMPORARY EXPANSION OF THE**  
6 **COURT.**

7 (a) *IN GENERAL.*—Section 7253 is amended by adding  
8 at the end the following new subsection:

9 “(h) *TEMPORARY EXPANSION OF COURT.*—(1) During  
10 the period from January 1, 2002, through August 15, 2005,  
11 the authorized number of judges of the Court specified in  
12 subsection (a) is increased by two.

13 “(2)(A) *Of the two additional judges authorized by this*  
14 *subsection—*

15 “(i) *only one may be appointed pursuant to a*  
16 *nomination made in 2002; and*

17 “(ii) *only one may be appointed pursuant to a*  
18 *nomination made in 2003.*

19 “(B) *If a judge is not appointed under this subsection*  
20 *pursuant to a nomination made in 2002, a judge may be*  
21 *appointed under this subsection pursuant to a nomination*  
22 *made in 2004. If a judge is not appointed under this sub-*  
23 *section pursuant to a nomination made in 2003, a judge*  
24 *may be appointed under this subsection pursuant to a nom-*  
25 *ination made in 2004. In either case, such an appointment*

1 *may be made only pursuant to a nomination made before*  
2 *October 1, 2004.*

3       “(3) *The term of office and the eligibility for retire-*  
4 *ment of a judge appointed under this subsection, other than*  
5 *a judge described in paragraph (4), are governed by the*  
6 *provisions of section 1012 of the Court of Appeals for Vet-*  
7 *erans Claims Amendments of 1999 (title X of Public Law*  
8 *106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge*  
9 *is one of the first two judges appointed to the Court after*  
10 *November 30, 1999.*

11       “(4) *A judge of the Court as of the date of the enact-*  
12 *ment of this subsection who was appointed to the Court be-*  
13 *fore January 1, 1991, may accept appointment as a judge*  
14 *of the Court under this subsection notwithstanding that the*  
15 *term of office of the judge on the Court has not yet expired*  
16 *under this section. The term of office of an incumbent judge*  
17 *who receives an appointment as described in the preceding*  
18 *sentence shall be 15 years, which includes any period re-*  
19 *maining in the unexpired term of the judge. Any service*  
20 *following an appointment under this subsection shall be*  
21 *treated as though served as part of the original term of office*  
22 *of that judge on the Court.*

23       “(5) *Notwithstanding paragraph (1), an appointment*  
24 *may not be made to the Court if the appointment would*  
25 *result in there being more than seven judges on the Court*

1 *who were appointed after January 1, 1997. For the pur-*  
 2 *poses of this paragraph, a judge serving in recall status*  
 3 *under section 7257 of this title shall be disregarded in*  
 4 *counting the number of judges appointed to the Court after*  
 5 *such date.”.*

6 (b) *STYLISTIC AMENDMENTS.—That section is further*  
 7 *amended—*

8 (1) *in subsection (b), by inserting “APPOINT-*  
 9 *MENT.—” before “The judges”;*

10 (2) *in subsection (c), by inserting “TERM OF OF-*  
 11 *FICE.—” before “The term”;*

12 (3) *in subsection (f), by striking “(f)(1)” and in-*  
 13 *serting “(f) REMOVAL.—(1)”;* and

14 (4) *in subsection (g), by striking “(g)(1)” and*  
 15 *inserting “(g) RULES.—(1)”.*

16 **SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE**  
 17 **REGARDING ACCEPTANCE OF REAPPOINT-**  
 18 **MENT AS CONDITION TO RETIREMENT FROM**  
 19 **THE COURT.**

20 *Section 7296(b)(2) is amended by striking the second*  
 21 *sentence.*

1 **SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS**  
2 **JURISDICTIONAL REQUIREMENT FOR THE**  
3 **COURT.**

4 (a) *TERMINATION.*—Section 402 of the Veterans’ Judi-  
5 cial Review Act (division A of Public Law 100–687; 102  
6 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

7 (b) *ATTORNEY FEES.*—Section 403 of the Veterans’ Ju-  
8 dicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note)  
9 is repealed.

10 (c) *CONSTRUCTION.*—The repeal in subsection (a) may  
11 not be construed to confer upon the United States Court  
12 of Appeals for Veterans Claims jurisdiction over any appeal  
13 or other matter not within the jurisdiction of the Court as  
14 provided in section 7266(a) of title 38, United States Code.

15 (d) *APPLICABILITY.*—The repeals made by subsections  
16 (a) and (b) shall apply to any appeal filed with the United  
17 States Court of Appeals for Veterans Claims—

18 (1) on or after the date of the enactment of this  
19 Act; or

20 (2) before the date of the enactment of this Act  
21 but in which a final decision has not been made  
22 under section 7291 of title 38, United States Code, as  
23 of that date.

24 **SEC. 604. REGISTRATION FEES.**

25 (a) *FEES FOR COURT-SPONSORED ACTIVITIES.*—Sub-  
26 section (a) of section 7285 is amended by adding at the

1 *end the following new sentence: “The Court may also impose*  
2 *a registration fee on persons (other than judges of the Court)*  
3 *participating at judicial conferences convened pursuant to*  
4 *section 7286 of this title or in any other court-sponsored*  
5 *activity.”.*

6 (b) *USE OF FEES.*—Subsection (b) of such section is  
7 amended by striking “for the purposes of (1)” and all that  
8 follows through the period and inserting “for the following  
9 purposes:

10 “(1) *Conducting investigations and proceedings,*  
11 *including employing independent counsel, to pursue*  
12 *disciplinary matters.*

13 “(2) *Defraying the expenses of—*

14 “(A) *judicial conferences convened pursuant*  
15 *to section 7286 of this title; and*

16 “(B) *other activities and programs of the*  
17 *Court that are intended to support and foster*  
18 *communication and relationships between the*  
19 *Court and persons practicing before the Court or*  
20 *the study, understanding, public commemora-*  
21 *tion, or improvement of veterans law or of the*  
22 *work of the Court.”.*

23 (c) *CLERICAL AMENDMENTS.*—(1) *The heading for*  
24 *such section is amended to read as follows:*

1 **“§ 7285. Practice and registration fees”.**

2       (2) *The item relating to such section in the table of*  
3 *sections at the beginning of chapter 72 is amended to read*  
4 *as follows:*

*“7285. Practice and registration fees.”.*

5 **SEC. 605. ADMINISTRATIVE AUTHORITIES.**

6       (a) *IN GENERAL.*—*Subchapter III of chapter 72 is*  
7 *amended by inserting after section 7286 the following new*  
8 *section:*

9 **“§ 7287. Administration**

10       *“Notwithstanding any other provision of law, the*  
11 *Court of Appeals for Veterans Claims may exercise, for pur-*  
12 *poses of management, administration, and expenditure of*  
13 *funds of the Court, the authorities provided for such pur-*  
14 *poses by any provision of law (including any limitation*  
15 *with respect to such provision of law) applicable to a court*  
16 *of the United States (as that term is defined in section 451*  
17 *of title 28), except to the extent that such provision of law*  
18 *is inconsistent with a provision of this chapter.”.*

- 1       **(b) CLERICAL AMENDMENT.**—*The table of sections at*
- 2 *the beginning of such chapter is amended by inserting after*
- 3 *the item related to section 7286 the following new item:*

*“7287. Administration.”.*

*Attest:*

*Clerk.*



107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 1291**

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**HOUSE AMENDMENT TO  
SENATE AMENDMENTS**